

State of California

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Legislative Change No.

00-39

Bill Number: AB 2799

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Chapter Number: 00-982

Laws Affecting Franchise Tax Board:

Government Code Sections 6253, 6253.9, and 6255.

Date Filed with the Secretary of the State: September 30, 2000

SUBJECT: Public Record Disclosure/Make Available in Electronic Format If Available and When Requested.

Assembly Bill 2799 (Shelley), as enacted on September 30th, 2000, made the following changes to California law:

Government Code Section 6253 is amended.

This act amends existing law to provide the "unusual circumstances" under which an agency may delay providing a record. These circumstances include the need to compile data, to write program language or a computer program, or to construct a computer report to extract data.

This act deletes language authorizing an agency to determine the format in which computer data is provided.

Government Code Section 6253.9 is added.

This act requires any agency that has public information in an electronic format to provide that information in any electronic format in which it holds that information. The agency also must provide a copy of any electronic record in any format requested if the agency uses the requested format to make copies for itself or other agencies.

This act provides that direct costs of duplication will be limited to the direct costs of duplicating the electronic record. However, the requester is required to bear the costs of producing a copy of the record. These costs include the cost of programming and computer services necessary to produce a copy of the record produced only at otherwise regularly scheduled intervals or when the request requires data compilation, extraction, or programming to produce the record.

This act provides that a public agency is not required to reconstruct a report in an electronic format if the report is no longer available in an electronic format.

This act provides that if a request is for information in other than in an electronic format and that requested information is also available in an electronic format, a state agency may inform the requester of the information's availability in electronic format.

Bureau Director

Johnnie Lou Rosas

Date

October 18, 2000

This act specifies that nothing in this bill will be construed to permit public access to records of any state agency to which access is restricted by law.

This act provides that a public agency can refuse to disclose an electronic record if it feels that disclosure will jeopardize or compromise the security or integrity of the original record or any proprietary software in which it is maintained.

Government Code Section 6255 is amended.

This act amends existing law to provide that a written response is required only for a written request regardless of whether the request is denied in whole or in part.

This act is effective January 1, 2001 and operative for all public record act requests made after that date.

This act will not require any reports by the department to the Legislature.